

File 176

Titus Co. No.
Franklin Co.

Red River Preemption
abst. 170.

James M. Embausch
160 acres

Act. August 12/1870

Covers part G. Myers 3-691 and also
covers C. Alexander P-3 - otherwise cov.
rect and map of Franklin County.

Octob. 10/79 C. W. Peffer.

Octob. 26/80.

3-691 + P-3 are
abandoned & timber
prohibited
Mkd ptd

Correct for patenting

Octo 26/80 Pickers

Patented Nov 1/80

P. McAny

No 362 - Val 11.

Mkd Part Reg

Mgl. 7784

Abst one 4

88 Oct 6 1879
C. W. Peffer

Contents.

No. 1. Affidavit & Desig~~nation~~

" 2. Field Notes.

No. 3. 4. Evidence of abandonment
of 3-691 + P-3.

" 4. Oct 25/80
Book

July 24/75

Tomson d
"

del. 1
Nov 17/80

Jas M. Embausch
\$ 5.00 deposited

A. B. Vol. R

Proof of Settlement under Homestead Act.

The State of Texas,
County of Dallas

BEFORE ME, the undersigned, District Clerk in and for the County aforesaid, this day came and personally appeared James M Eubanks, a resident citizen of said County, who being by me duly sworn, declares that he is a bona fide settler upon 160 acres of vacant public land, situated in said County, and surveyed for him on the 11th day of January 1875, by Charles L Gaskins, a Surveyor of said County; that he has occupied and improved the same as a Homestead for a period of three consecutive years, beginning on the 12th day of January 1872; that he is the head of a family and that he makes this affidavit for the purpose of obtaining a title to the same for a Homestead, under an Act supplementary to "An Act for the Benefit of Actual Occupants of the Public Lands," approved May 26th, 1873, and Acts prior thereto; and that he has not a Homestead other than the above.

AND also at the same time came and personally appeared, Mr Alexander and John Wilson, two credible resident citizens of said County, to me well known, who being duly sworn, depose and say that James M Eubanks, the person first above named in this affidavit, has actually settled upon and cultivated as a Homestead, the land surveyed for him on the 11th day of January 1875, by the Surveyor aforesaid, for the period of three years, and they nor either of them have any interest in the said land.

James M Eubanks
Mr his mark
Mr Alexander
John his mark Wilson
Mr Alexander

Sworn to and subscribed before me, and I hereby certify that
and John Wilson are credible and trustworthy citizens of said County.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the

seal of said County, at office, this 13th day of

January 1875

S Cherry
Clerk of Dist. Court, Dallas County.

Survey No 678

The State of Texas,
County of Titus

Field notes of a Survey of
160 acres of Land made
for James M. DeBanks by
virtue of his application
made in accordance with an
act to regulate the disposal of
the Public Land in the State
of Texas - Approved August 12th 1870 and an act
amendatory thereto approved May 21st 1873. Said
Survey is No 678 in ~~Titus~~^{Franklin} County Situated on
the waters of Big Cypress dont ~~has~~ ¹⁰ miles ~~42 1/2 E.~~ S^{45°W} from
~~Int Pleasant. Mt Vernon~~

Beginning at the West ~~I~~ corner of a League Survey made
for Carter F. M^cKenzie - A stake - At Hickory ts $845^{\circ}W$ 200
m^sa X - Hence West with McKenzie's NW line 390 vs -
J. E. Alexander's SE corner - A stake - At Post Oak ts $849^{\circ}W$
800 m^sa X - Hence North with Alexander's SW line
1365 vs a stake - At Red Oak ts $870^{\circ}E$ 14 vs m^sa X - Hence East
2479 vs pass B. Carroll's SW corner - Hence East
with his SB line ~~505~~ as (984 vs mall) a stake - At
Post Oak ts $856^{\circ}W$ 5 vs m^sa X - Hence South 625 vs
A stake on McKenzie's NW line - At Hickory ts $850^{\circ}W$ 10 vs
m^sa X - Hence West with said line 594 vs one of
McKenzie's SW corners - A stake - At Post Oak ts $818^{\circ}W$ 10 vs
m^sa X. Hence South with McKenzie's NW line 740 vs
the place of beginning - Surveyed January 11th
1875-

T. G. Alexander 3 chains } has L. Dillahunt Surveyor
J. T. Edgar 3 carious } Titus County Texas

fm

Red R PreEmp 176

The State of Texas
County of Titus I, Thos L. Villalumia Surveyor
do hereby certify that the foregoing survey
was made according to law - That the limits
and boundaries together with the marks both
natural and artificial are truly described
in the foregoing field notes and that I have
recorded them in my Office in record
book L page 189 - And that the
foregoing survey comes a survey made of Mr
C. Alexander on 20th day of August 1870 and
abandoned by said Alexander in January 1872

Given under my
hand at office in Mt Pleasant this January 12th
1875

Thos L Villalumia Surveyor
Titus County Texas

RH

File 176

Red River Preemption James M Embanks

Feld Notes of

160 acres

160 Acres

Jax M. Embanks

Feld Day 24/75

Rhoads Fisher,

Chf C.H.

Covers part of 3-691 and P-3 - other
wise correct on map of Franklin
County. Octob. 10/79 C.W. Profess.
Octob. 26/80.

Patent No. 480
J. M. Embanks

Other
Scrip

G.C. Octob. 10/79
C.W.P.

Recorded

22
K.F.

The State of Texas }
Franklin County } Before me P. W. Templeton
a Notary Public in & for said County
& State personally appeared before me
John C. Tornell & C. A. Alexander to me
well known whose names appears affixed
to this instrument ^{the} certify on oath that
C. A. Alexander abandoned his Pre Emption
Donation made in 1871, in Titus Co, now in the
County of Franklin, and they further declare
upon oath that James M. Esabank, Esq -
erupted the said C. A. Alexander's Pre Emption
& occupied the same for three years & more
in good faith.

John C. Tornell
C. A. Alexander
mark

Sworn to & subscribed before me
this 15th day of July 1880, Notary Public
whereof I hereunto sign my name and
affix my official seal this 15th day of
July A.D. 1880



P. W. Templeton
Notary Public

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Red River Preemption

James M. Eubanks

Affidavit of abandonment
of C. Alexander sur.
(P. 3)

Filed Oct. 23 80

Rhoda A. Hukes
Court Clerk

R.R. 176

James M. Eubanks
Preemption



Proof of C. Alexander's
abandonment
by himself and
John L. Dorell

Mount Vernon Franklin Co Texas
August 1st 1881

To Hon W.C. Maloh

Comr G.L.O

Austin Texas

This is to certify that the pre-emption survey in the name of James M. Eubanks on the waters of Big Cypress in Franklin County does not conflict with either the C. Alexander nor the G. Meyers.

A part of the J.M. Eubanks, on a portion of a survey for C. Alexander but C. Alexander abandoned this pre-emption. Gibson Myers also abandoned his pre-emption some 20 years or more ago. Levi Wait Pre-empted and obtained Patent for 160 acres of it, and my opinion is that a part is still vacant. The seeming conflict is not real.

To all which I certify under my hand at office in Mount Vernon the 1st of Aug 1881,

D H Parker
Surveyor Franklin Co Texas

Title 176

Red River Preemption

James M. Eubanks

Certificate of

Abandonment

by

C Alexander

and G Myers

Filed Oct. 23 1880

Chas. J. Parker,
Chas. D. Clark

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